

County of Yolo

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ROBYN TRUITT DRIVON
COUNTY COUNSEL

Philip J. Pogledich, Deputy

February 14, 2007

VIA ELECTRONIC MAIL ONLY

Linda Fiack, Executive Director
Delta Protection Commission
14215 River Road
P.O. Box 530
Walnut Grove, CA 95690

Daniel L. Siegel, Esq.
Supervising Deputy Attorney General
Office of the Attorney General
1300 I Street
Sacramento, CA 95814

Re: Old Sugar Mill Specific Plan Appeal
Objection to Restrictions on Comments on Proposed Findings

Dear Director Fiack and Mr. Siegel:

For the reasons explained below, the County objects to the restrictions placed by Delta Protection Commission staff on written comments relating to the proposed findings.

Your February 14, 2007 e-mail asserts that the parties may not submit written comments on any issues other than "the consistency between the determinations [of the Commission on January 25, 2007] and the draft findings and analysis." The County does not object to reasonable restrictions on the *timing* of written comments relating to the proposed findings. However, any attempt by Commission staff to restrict the *content* of those written comments is both inappropriate and legally unfounded.

Importantly, the decision of the Commission is not final until the findings are adopted (14 Cal. Code Regs. § 20011(b)). The Commission retains the right to entertain any request by the County or other parties for clarification, additional information, or even reconsideration of the actions taken on January 25, 2007. The County and other parties have a corresponding due process right to raise appropriate concerns regarding the factual accuracy, legal adequacy, and other substantive aspects of the proposed findings. Indeed, the County has a particular interest in ensuring that the findings provide clear and appropriate guidance to the County on remand. Commission staff should not restrict the County from seeking to protect this interest by raising appropriate concerns about the proposed findings before a final decision on these appeals.

Director Fiack and Mr. Siegel

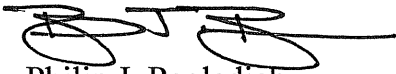
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Please let me know at your earliest convenience if Commission staff will reconsider the restrictions imposed on the content of written comments regarding the proposed findings. If you have any questions, do not hesitate to call me at (530) 666-8275.

Very truly yours,

Robyn Truitt Drivon
County Counsel

A handwritten signature in black ink, appearing to read 'Pogledich', with a horizontal line extending to the right.

Philip J. Pogledich
Deputy County Counsel

cc: Kristen Castanos, Esq.
James Pacht, Esq.
Deborah Reames and Gregory Loarie, Esq.
Jim Moose, Esq.
[all via e-mail only]